

STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND

) IN THE COURT OF COMMON PLEAS  
) FOR THE FIFTH JUDICIAL CIRCUIT  
)

) C.A. No. 07-CP-40-3116  
)

HENRY D. MCMASTER, in his official  
capacity as the SECURITIES  
COMMISSIONER FOR THE STATE  
OF SOUTH CAROLINA,

) TEMPORARY RESTRAINING ORDER  
) AS TO DANIEL DEVELOPMENT  
) GROUP, LLC  
)

Plaintiff,

-vs-

CAPITAL CONSORTIUM GROUP,  
LLC; 3 HEBREW BOYS, LLC; TONY  
POUGH a/k/a TONY BERNARD  
POUGH; TIM MCQUEEN a/k/a  
TIMOTHY MCQUEEN; JOSEPH  
BRUNSON a/k/a JOSEPH B.  
BRUNSON; DANIEL DEVELOPMENT  
GROUP, LLC; FIRST CITIZENS  
BANK AND TRUST CO., INC.,

Defendants.

RICHLAND COUNTY  
FILED  
2007 JUL 16 PM 12:09  
BARBARA A. SCOTT  
C.C.C. & S.

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### TEMPORARY RESTRAINING ORDER

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This matter came before the Court on the Notice of Motion and Motion for Temporary Injunction, Motion for Appointment of Receiver & Motion for Expedited Hearing (collectively, the "Motions") filed June 22, 2007, on behalf of Henry D. McMaster, in his official capacity as the Securities Commissioner for the State of South Carolina (the "Plaintiff"), which Motions were heard on June 28, 2007. Plaintiff sought additional injunctive relief against the above-named Defendants in the Motions, reference to which is craved for a more complete recitation of the relief sought therein. Hemphill P. Pride, II, Esquire appeared on behalf of Capital Consortium Group, LLC ("CCG"), 3 Hebrew Boys, LLC ("3HB"), Tony Pough a/k/a Tony Bernard Pough ("Pough"), Tim McQueen a/k/a Timothy McQueen ("McQueen"), and Joseph Brunson a/k/a Joseph B.



Brunson ("Brunson"). Mr. Pride stated that he was not appearing on behalf of Daniel Development Group, LLC ("Daniel Development").

William H. Short, Esquire appeared on behalf of First Citizens Bank and Trust Company, Inc. ("First Citizens").

According to the Affidavit of Service filed in this matter, Daniel Development was served with the Motions, an Amended Summons and the First Amended Complaint on Thursday, June 28, 2007, by service upon its registered agent, Pough, who was present at the hearing. The Court obtained jurisdiction over Daniel Development based upon its having been served with the Motions, Amended Summons and First Amended Complaint immediately prior to the hearing.

Assistant Attorneys General Warren V. Ganjehsani and T. Parkin Hunter appeared on behalf of the Plaintiff.

#### FACTUAL AND PROCEDURAL BACKGROUND

This Court issued a Temporary Restraining Order ("TRO") on May 22, 2007, against Defendants CCG, 3HB, Pough, McQueen, and Brunson based in part on Plaintiff's showing that "there is a danger of irreparable harm to the public interest and the investing markets of the State of South Carolina if the Defendants' access to the funds [deposited with First Citizens] is not restrained." (TRO at p.1)

In accordance with Rule 65, SCRPC, a hearing was held within ten days of the issuance of the TRO on May 31, 2007 (the "May Hearing"), before the Honorable J. Michelle Childs. Judge Childs issued an Order Granting Plaintiff's Motion for Temporary Injunction (the "Temporary Injunction" or "Order") on June 25, 2007.

Judge Childs' Order prohibited any transfer of funds (the "Funds") in certain bank accounts at First Citizens<sup>1</sup> ("Accounts") that were titled in the name of Daniel Development. Judge Childs found sufficient grounds to issue the Temporary Injunction against the other Defendants, including the freezing of Accounts, as provided in the following portion of the Temporary Injunction:

**The numerous investors who have entrusted Defendants with sizable sums of money have suffered and will continue to suffer irreparable harm if the Defendants continue to pilfer the Funds in the Accounts**

<sup>1</sup> First Citizens is a party to this action solely by virtue of its status as the holder of the Daniel Development Accounts frozen by the Temporary Injunction.

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during the pendency of this case. Defendants' investment scheme requires investors to leave their invested money in place for several months or even years before being allowed to "cash out" the promised returns. Consequently, investors lack adequate means to control or even monitor Defendants' whittling away the Funds in the interim.

(Temporary Injunction at ¶5.)

The transcript of the hearing before Judge Childs includes the following testimony from one of Plaintiff's witnesses concerning Defendants' acquisition of real property with investor funds:

Q: Were you able to follow up and see if that [a check] was used for the purchase of real estate?

A: I checked the Richland County R.M.C. records, and they indicated that near that date deeds were filed for real estate purchased by Daniel Development Group[,] which was one of Mr. Pough's entities. That was the entity that the - - that the First Citizens Bank Accounts were in the name of.

Transcript of the May Hearing, page 45, lines 7-13.

Furthermore, the following assets of Defendants and associated funds transfers were identified in the May Hearing (the "Assets"):

- a. Gulfstream multi-engine jet owned by CCG (May Hearing Transcript page 42, line 7 through page 43, line 2) paid for with transfers of \$4,400,000.00 to \$5,000,000.00 (May Hearing Transcript page 42, lines 5-24);
- b. Luxury coaches manufactured by Coach, L.L.C. doing business as Amadas Coach (May Hearing Transcript page 43, lines 3-14);
- d. Richland County real estate purchased with transfers of funds from the First Citizens Accounts (May Hearing Transcript page 45, lines 1-13);
- e. Real estate located in the Bahamas (May Hearing Transcript page 43, lines 15-25) (the "Bahamian Real Estate");
- f. Funds transferred to a Hubert Bow or Bowie (the "Bowie Funds") in the Bahamas (May Hearing Transcript, page 43, lines 17-21) who is associated with Alexander Development Group (the "Alexander Development Group");

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- g. Funds transferred to a company called Holmes Real Estate located in Panama (May Hearing Transcript page 44, lines 5-7) ("Holmes Real Estate");
- h. Accounts held in Bank of America (the "Bank of America Accounts"); and
- i. An account in Credit Corp Bank in Panama (May Hearing Transcript, page 44, lines 5-6) (the "Credit Corp Bank").

Additionally, Plaintiff filed his pendens related to property owned by Daniel Development as set forth in Exhibit "1" hereto (the "Daniel Real Estate").

#### FINDINGS AND CONCLUSIONS

Plaintiff requested that the relief requested in the Motions be binding on all Defendants, including Daniel Development. In lieu of granting such relief at this time with respect to Daniel Development, for the reasons set forth in Judge Childs' Order I find that sufficient grounds exist to issue a Temporary Restraining Order that restrains Daniel Development with regard to the all the aforementioned property ("Property"), which Property includes the above-defined Assets, Funds, Daniel Real Estate, any other real estate owned by Daniel Development wherever located, any assets purchased, directly or indirectly, by Defendants or their agents, with the Funds or with the assets now or formerly in the Bank of America Accounts, and any assets purchased, directly or indirectly, with funds provided by the Defendants or their agents, to (a) Holmes Real Estate, (b) Credit Corp Bank, (c) Bowie, and (d) Alexander Development Group.

IT IS THEREFORE ORDERED that Daniel Development is enjoined from selling, transferring title to, or otherwise encumbering any of the Property;

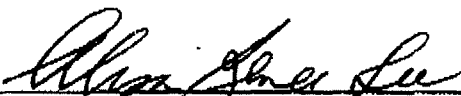
IT IS FURTHER ORDERED that Daniel Development is prohibited from transferring or withdrawing funds from any bank accounts or financial accounts located in banks or other financial institutions in the Bahamas or Panama, including but not limited to Credit Corp Bank; and

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IT IS FURTHER ORDERED that this Order shall be binding on Daniel Development, its agents, principals, servants, employees, and upon those persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise.

IT IS FURTHER ORDERED, that his Order shall remain in effect until further order of the Court. A hearing shall be conducted on the temporary injunction on Friday, July 20, 2007 at 9:30 am at the Richland County Courthouse, Courtroom 3B.

AND IT IS SO ORDERED.

  
ALISON RENEE LEE  
Presiding Circuit Judge

July 16, 2007  
Columbia, South Carolina

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EXHIBIT 1

Owner	Description	County	Recording Information
Daniel Development Group, LLC	6209 Main St. a/k/a 6209 N. Main St.,	Richland	Book R1313 at page 1310
Daniel Development Group, LLC	Lot eight (8), block K-1, Longcreek Plantation	Richland	Book R1305 at page 1100.
Daniel Development Group, LLC	6182 Main St. a/k/a 6182 N. Main St.	Richland	Deed Book R1313 at page 70
Daniel Development Group, LLC	305 Ash Tree Rd.	Richland	Deed Book R1313 at page 94
Daniel Development Group, LLC	1529 Horseshoe Drive Deed	Richland	Book R1267 at page 444
Daniel Development Group, LLC	20.05 acres in Orange Township	Orangeburg	D-BK:01206 PG:0111
Daniel Development Group, LLC	Lot 76, Phase II Hasting Point Subdivision	Richland	R1183 page 1147
Daniel Development Group, LLC	Lot 81, Phase II Hasting Point Subdivision	Richland	R1212 page 102
Daniel Development Group, LLC	Lot 84, Phase II Hasting Point Subdivision	Richland	R1212 page 99
Daniel Development Group, LLC	Lot 110, Phase II Hasting Point Subdivision	Richland	R1280 page 1378
Daniel Development Group, LLC	Lot 77, Phase II Hasting Point Subdivision	Richland	R1183 page 1150
Daniel Development Group, LLC	Lot 87, Phase II Hasting Point Subdivision	Richland	R1212 page 96

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